

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BARRY PIPKIN,	:	Case No. 1:15-cv-775
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge J. Gregory Wehrman
WARDEN, LONDON	:	
CORRECTIONAL INSTITUTION,	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE INITIAL AND SUPPLEMENTAL
REPORT AND RECOMMENDATION (Docs. 27, 33)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge J. Gregory Wehrman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on June 13, 2018, submitted a Report and Recommendation (Doc. 27), recommending that Petitioner's petition for writ of habeas corpus be denied with prejudice, that a certificate of appealability be denied, and that leave to appeal *in forma pauperis* be denied.

Petitioner asked for, and received, two extensions of time (totaling nearly four months) in which to file his objections to the Report and Recommendation. Ultimately, however, Petitioner did not file an objection. Instead, he filed a motion for certificate of appealability (Doc. 30) and a motion to stay these habeas proceedings in order to file a motion for reconsideration in the Twelfth District Court of Appeals (Doc. 31).

On February 12, 2019, the Magistrate Judge issued a Supplemental Report and Recommendation recommending that both motions be denied, and that the Court adopt

the initial Report and Recommendation. (Doc. 33). Once again, Petitioner sought a two-month continuance to file objections. (Doc. 34). While this Court found Petitioner's request for an extension of time well-taken, the Court declined to grant Petitioner an additional two months, given his pattern of requesting lengthy extensions and never filing his objections. (Doc. 35). Accordingly, the Court granted Petitioner's motion in part, giving him an additional two weeks, *i.e.*, until March 20, 2019, to file his objections. (*Id.*) No objections were filed.¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the initial and Supplemental Report and Recommendations should be and are hereby adopted in their entirety.

Accordingly:

1. The initial and Supplemental Report and Recommendations (Docs. 27, 33) are **ADOPTED**;
2. Petitioner's petition for writ of habeas corpus (Doc. 4), motion for certificate of appealability (Doc. 30), and motion to stay (Doc. 31) are **DENIED**;
3. Because reasonable jurists would not debate the Court's conclusions, the Court **DENIES** issuance of a certificate of appealability, pursuant to 28 U.S.C. § 2253;

¹ Rather than filing objections, Petitioner wrote a letter directly to the undersigned judge on March 14, 2019, stating that his two-week extension of time was inadequate. However, as this Court explained in its prior Order (Doc. 35), Petitioner has been granted more than adequate time to file objections and to date—more than nine months since the initial Report and Recommendation issued—he has failed to do so.

4. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Petitioner leave to appeal *in forma pauperis*; and
5. This case is **DISMISSED** with prejudice, and **the Clerk shall enter judgment accordingly**, whereupon this case shall be **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: March 21, 2019

s/ Timothy S. Black
Timothy S. Black
United States District Judge